

PLANNING COMMISSION

SEPTEMBER 15, 1999

CALL TO ORDER: Chairman Maks called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman David Maks; Planning Commissioners Charles Heckman, Eric Johansen, Tom Wolch, and Vlad Votyilla. Sharon Dunham and Don Kirby were excused.

Staff was represented by Associate Planner Colin Cooper, Senior Planner John Osterberg, Senior Planner Barbara Fryer, Senior Planner, Veronica Smith, Senior Planner Steve Sparks, Senior Planner Alan Whitworth, Assistant City Attorney Ted Naemura and Recording Secretary Cheryl Gonzales.

STAFF COMMUNICATION:

Ms. Smith introduced new Senior Planner Alan Whitworth.

OLD BUSINESS:

Continuance

A. CPA 99-00005 AND CPA 99-00006, LOCAL WETLAND INVENTORY

(Request for continuance to November 17, 1999)

The proposed amendment implements Periodic Review Order #00717 (formerly WO#00628), Work Task # 3 - Goal 5 Inventory. This work task amends Beaverton's Comprehensive Plan by adding supporting data to the Local Wetland Inventory and Riparian Assessment and text to the Comprehensive Plan explaining the purpose of the map. The map amendment (CPA99005) would bring the City of Beaverton Comprehensive Plan Maps up to date with respect to Natural Resources by implementing Goal 5 requirements to prepare and adopt a Local Wetland Inventory and Riparian Assessment.

The map proposal amends Beaverton's Comprehensive Plan Significant Natural Resource map to update the 1984 data by adding Local Wetland Inventory and Riparian Assessment map areas, information required under Statewide Planning Goal 5. The Map was prepared according to the methodology prescribed by Goal 5 implementing regulations (OAR 660-23-090 AND OAR 660-23-100). The text portion of the amendment (CPA99006) adopts the supporting documents, including the methodology for implementing Goal 5 Local Wetland Inventory and Riparian Assessment regulations (OAR 660-23-090 AND OAR 660-23-100).

Ms. Smith noted that the proposal is a local wetland inventory that was heard on February 24, 1996, at the first public hearing. Staff asked that it be continued until April 15 to allow the Division of State Lands adequate time for review. They have just recently begun their review on the local wetland inventory and anticipate a five to six week turnaround. As a result, staff is requesting a continuance to November 17 to allow for a comment period and to allow staff to

accommodate their comments and all the comments taken into consideration to this point. Staff asks that the Commission allow any members of the public to testify and staff will incorporate those comments along with the previous comments into the final document to be presented at November 17, 1999.

Questions of staff:

Commissioner Heckman asked and received clarification on the exact numbers of the request and Commissioner Wolch received clarification on the dates and schedules for hearings.

No members of the public requested a hearing.

Commissioner Johansen MOVED and Commissioner Heckman SECONDED a motion to approve a continuance of items CPA 99-00005 to a date certain of November 17, 1999 at the same time and location.

The question was called and the motion CARRIED unanimously.

Commissioner Johansen MOVED and Commissioner Heckman SECONDED a motion to approve a continuance of item CPA99-00006 to a date certain of November 17, 1999 at the same time and location.

The question was called and the motion CARRIED unanimously.

NEW BUSINESS

PUBLIC HEARINGS

There were no disqualifications of Commissioners and no one in attendance challenged the right of any Commissioner to hear any of the agenda items.

A. CPA 98-00011 AND TA 99-00010 ANNEXATION POLICY

(Request for continuance to December 8, 1999)

The proposed amendments implement Periodic Review Order #00717 (formerly WO#00628), Work Tasks #2 and #12. These amendments would update the City's Comprehensive Plan and Zoning Code to reflect changes in City policies, regional mandates and state law relating to municipal annexations and urban service delivery. Specifically, CPA98-00011 may result in modifications to sections 1.2 through 1.3 (Comprehensive Plan Amendment Procedures Element), sections 2.4 through 2.6 (Public Involvement Element), 3.10 through 3.11 (Land Use Element), sections 5.4 through 5.9 (Public Services Element), and related sections of the Comprehensive Plan. TA99-00010 may result in modifications to sections 10.4, 40.40, 40.50, 40.75, 40.90 and other sections of the Development Code.

Mr. Whitworth stated this action was to update the annexation policies and comprehensive plan and development code to bring it into compliance with changes in the state law and Metro code. He noted that staff was recommending a continuance to December 8, 1999.

There were no questions of staff or requests from public to address this issue.

Commissioner Voytilla MOVED and Commissioner Heckman SECONDED a motion to continue CPA 98-00011 to date and time certain of December 8, 1999, 7:00 p.m.

The question was called and the motion CARRIED unanimously.

Commissioner Voytilla MOVED and Commissioner Heckman SECONDED a motion to continue TA 99-00010 to date and time certain of December 8, 1999, 7:00 p.m.

The question was called and the motion CARRIED unanimously.

B. CUP 99-00009 - PGE SUBSTATION

Request for approval for a PGE bulk power substation, approximately 52 feet in height, located northwest of the intersection of SW Murray Boulevard and SW Scholls Ferry Road, adjacent to the Bonneville Power Administration powerline right-of-way. The approximate five acre site is on Assessor's Map 1S1 32DA, Tax Lots 700 and 300, and is zoned Light Industrial and R-5 respectively. A CUP approval is required for utility substations in both the Light Industrial and R-5 zones. Access to the site is proposed to be off of SW Scholls Ferry Road within an easement across Assessor's Map 1S1 32DA, Tax Lot 800, which is property owned by Gramor, Oregon. The driveway would be along the western side of the existing office building abutting the BPA powerline right-of-way. The site currently has an electric power distribution substation on the northern end of the site and an office on the southern end. The proposed bulk power substation would be developed between these two existing facilities.

Mr. Cooper stated that there was no film of the site. Commissioner Voytilla stated he had toured the site; Commissioner Heckman stated he did not visit the site but studied maps; Commissioner Johansen stated he toured the site as part of the Gramor review and did not contact anyone; Commissioner Wolch said he did not take a specific site review for this request but have been on the site often for Gramor and pass by the site frequently. Chairman Maks stated he has visited the site on previous applications and has actually walked around the site quite often. No one challenged the right of any Commissioner to hear the item based on their site visits.

Mr. Cooper stated the PGE power substation is a proposal to build a bulk power substation transformer that will take electricity off the transmission line, reduce the voltage so it can be distributed into the local power grid system. In association with the transformer are numerous utility towers, other conductors and a 20-foot lattice tower that holds telemetry control equipment and a control building. In addition, the PGE application includes a revised access to their existing analytical laboratory building, which will remain in operation on this site, and the new driveway will enter the PGE site on the West Side of their property coming from the Gramor site. They will revise their parking lot to bring it up to normal design review codes and there will be a control building on the site. The zoning of the site is light industrial and does allow the proposed substation as a conditional use. The contact with the public has been none. The major issue is visual impact of the proposed use. Staff Report recommends approval with conditions.

QUESTIONS TO STAFF:

Commissioner Heckman:

On page 11 under 8, landscaping a., it says not less than 15 percent of the total lot area shall be landscaped, does that include the paved surfaces too or are they exempted? Mr. Cooper noted the 15 percent include just landscaped area, not paved areas.

Questioned as to the ownership of the land going from east to west Mr. Cooper stated it was a gas line easement; BPA then PGE. As PGE owns that, the potential exists for some other mitigation on PGE property, Mr. Cooper agreed.

Commissioner Johansen:

On page 19 having to deal with the screening to the west, and impacts to the homes to the west of the site, seems to suggest this is an already impacted site. Is staff satisfied with the level of screening proposed by the applicant? Mr. Cooper stated that generally yes and recommended approval. The screening is limited in this case because of the functional nature of the site and the need to bring utility lines to the substation.

Commissioner Wolch:

Question regarding the screening and the relationship to the homeowners. Mr. Cooper stated that there is a series of towers, the highest is 52 feet and then they reduce down. The northwestern corner of the site is approximately 270 and drops to 240. The site for the elevation for the transformer is about 247 so the existing substation is at about 267, with a 25 to 30 foot difference so properties to the northwest are going to see a relative height of these new highest towers at about 25 feet. These are illustrated in the digital simulations provided by the applicant.

Chairman Maks:

On Staff Report page 14, regarding parking, please expand on the parking. Mr. Cooper stated that there is no listed use as laboratory, and substation. The applicant has suggested the laboratory operates as an office and the substation will have little to no traffic on a regular basis. This statement has been checked and felt the numbers are reasonable. In response to Chairman Maks questions, Mr. Cooper stated the Commission does have the authority to reduce the number of parking spaces and could also go with a soft surface of some kind or a shadow plan in the event they provided a traffic analysis or additional evidence that they in fact needed it, otherwise the Commission has the authority. Chairman Maks said that if the 30 parking places were not needed he would rather take away 20 parking places and put in additional landscaping. Mr. Cooper stated he would review the CUP but stated the Commission does have authority with the conditional use to not grant the maximum or accept the planning director's determination. He also questioned if there would be a new driveway to Scholls Ferry. Mr. Cooper said no, the applicant is receiving access to Scholls Ferry via a mutual access easement at the western most driveway, at the Gramor site. Tualatin Valley and Fire had a letter in the packet requesting information, was that received? Mr. Cooper stated they did receive the information and found no hazardous materials that were in sufficient quantities to cause any concern. The only question Mr. Cooper said that might be heard in the

future probably relates to the proximity of a gas station to the transmission lines. The Tualatin Valley and Fire indicated there were no concerns on all these issues.

LARRY EPSTEIN, 209 SW Oak Street, Portland, OR 97204, represented the applicant PGE. Mr. Epstein also introduced Mike Livingston, the property manager from PGE, Kerry Lynch, project manager; Stan Gray, project engineer; Roxeanne Bailey assisting with public involvement. PGE is requesting approval of a conditional use permit for the bulk power substation, which is necessary to serve an increasing customer load and maintain system reliability. It is a perfect site and there are no other locations that will support this site. The site is a five-acre parcel, roughly rectangular and is about 260 feet from Scholls Ferry Road. Murray Blvd. is about 600 feet away and the Gramor site is to the north and adjoins between Scholls Ferry and the site. The majority of the site is relatively level and there is a grade change of about 25 feet and on the upper portion of the site is the distribution substation. He noted the location of the proposed bulk substation in relationship to the other buildings and lines and right-of-ways and utility corridors. Based on staff's report, PGE has fulfilled the City's requirements for open space and landscaping. They propose to provide roughly 44 parking spaces based on the revised plan, and if the Commission wishes PGE to have others, that is agreeable. They have provided responsive findings for all the applicable approval criteria and believe the use fulfills the requirements or is consistent with the purpose for a conditional use permit and is a mix between an industrial and utility. It also fulfills or is consistent with the applicable policies of the comprehensive plan and identified six of the policies and a variety of goals and objectives and believes the project fully complies with them. He felt it is reasonably compatible and minimizes adverse impacts on livability and appropriate development on other surrounding properties. They also superimposed equipment upon the photographs to determine what the views would be. The principal view of interest is from the people in Murray Hill who feel that the topography relief in the power line right-of-way will block views of the site. Additionally there will be a series of conifer trees along the south edge of the property to provide additional landscaping buffers. Applicant has reviewed the staff's report and recommendations and conditions of approval and has no objections or corrections or additions.

Chairman Maks asked how long this would support the City of Beaverton. Mr. Epstein stated the proposed size is the ultimate and all site prep work will be done for the ultimate development of the site. Only one transformer will be added and there will be an opportunity to add one additional transformer and that will take it out approximately 10 years.

Chairman Maks asked how many parking places did he think was necessary.

KERRY LYNCH, 121 SW Salmon Street, Portland, OR 97204, stated he was the project manager. He stated he did not have ready number of parking spaces that would work for the analytical laboratory. They currently do not impact the lot available. The substation has essentially no parking requirements. It would be possible to live with 30 spaces and the area is zoned light industrial.

Questions of the Applicant:

Commissioner Heckman asked what THPRD's role in the ground west of PGE's site. It was Mr. Epstein's understanding they leased the land and did not own it. PGE is willing to help

landscape a portion of that land where it makes sense to do so and THPRD supports that concept. Mr. Epstein said figure 9 illustrates the ownership of the various pieces of property and right-of-ways. Commissioner Heckman asked if PGE was agreeable to some additional screening at the far west end of the property. Mr. Epstein said PGE is willing to consider that but the question would be how extensive and they did not want to commit to enhancing all the right-of-way. Commissioner Heckman suggested a total of 12 lots from 284 up through 302. Mr. Epstein stated PGE would be interested in talking with the people about that. This is complicated by some of the homeowners who would rather have the view than add landscaping. Mr. Lynch noted there is an operating limitation as it is an existing operating site and would have to conform to rules about power lines and trees. Concerning the reduced parking spaces, Commissioner Heckman asked where specifically they would be located. The location of the proposed parking was pointed out and elimination would have to be considered by the designers. Commissioner Heckman complimented PGE on their pictures and the proposal.

Commissioner Johansen questioned the some additional landscaping on the south side and asked for that to be pointed out, which was done.

Chairman Maks asked about the additional conifers and what caliber when initially planted or what height.

MATT SIMPSON, landscape architect with WH & Pacific, stated the average height of the additional conifers which would be 10 to 12 feet high have been added to fill the existing gaps. Trees adjacent to Gramor are 10 to 14 feet high.

Chairman Maks stated that according to the applicant's statement on page 42, it is said the Oregon Analytical requires between 23 and 30 parking places. Would 32 for the analytical lab and two spaces for PGE be acceptable, and if allowed, could that be reduced and then condition additional landscaping. In general Mr. Epstein said it would be agreeable but there may be needs for some transition.

Commissioner Heckman asked, and Mr. Simpson responded, that the trees are Western Reds, which are to be used along the western property line. In March they might be able to get 12 to 14 at the most.

There was no public requesting an opportunity to speak.

Mr. Cooper, regarding the CPU authority on minimum parking, and with the City Attorney had conferring was in agreement that the only way to reduce the required parking number is through a variance. In the straight conditional use permit, they do not have the authority to reduce from the minimum. It was his understanding that the numbers proposed are still within the minimum. He felt the minimum by the staff was at 30. Mr. Cooper suggested that if a condition was offered, that it be specific and provide direction; that there be a required type 1 design review of the landscape plan so they know what would be replaced. Chairman Maks asked when they would go to the BDR. Mr. Cooper stated that would be the best way to handle it at a revised landscape plan. Mr. Cooper reassured the Commission that he had talked with Jim McElhinny, the superintendent of natural resources and specifically described the concept. They were

comfortable working with PGE in the planting; the maintenance was the only issue they would have. He suggested possibly adding something that the applicant shall contact the property owners of specific lot numbers to ask if they would like landscaping placed adjacent to their property lines and then they could work with THPRD.

Chairman Maks asked if staff supported his proposal to have 65 percent land area which was previously identified on said site plan as parking which was reduced as of this action. Mr. Cooper suggested that it might be best to make it 100 percent.

Public section of the hearing was closed.

The meeting recessed for a break at 8:00 p.m.

The meeting reconvened at 8:07 p.m.

Chairman Maks reopened the public portion of this hearing. He asked staff about wording for changing parking revisions to landscaping. Chairman Maks reviewed wording for planting of trees in the right-of-way. Mr. Cooper suggested that the applicant might be requested to provide an affidavit that these property owners had been contacted.

Mr. Epstein, on behalf of PGE, stated that they have concerns about planting landscaping in the right-of-way if they are talking about trees. The right-of-way extends to the east property lines of those homes in Murray Hill, and there is some potential for the trees to be an impediment and hazard to the lines.

STAN GRAY, 121 SW Salmon Street, Portland, OR 97204 stated that PGE and BPA in the maintenance of easements do not allow plantings that have any potential of growing up into the lines. Generally some small bushes can be used, gardening, but trees are generally not allowed in the right-of-ways. If there were plantings such as trees that may be capable of growing high enough to screen visually the substation from the Murray Hill homes those would not be allowed in the right-of-way. However, there is an opportunity to talk with neighbors to see if a tree could be planted in their own yard. PGE would request that the landowner have a choice if they want it in their own yard. They would then take responsibility for the care and maintenance of that tree. Chairman Maks said that what is currently being discussed is not in the Staff Report and if a condition with property owners is placed on the application, it should state applicant could work with their property but not in the right-of-way. Mr. Epstein noted that Gramor has discussed this with the residents and at this time some have elected not to have trees installed.

Commissioner Wolch asked questions about different property owners wanting different things and asked what would really be accomplished by such a condition.

Commissioner Heckman asked Mr. Gray if that same prohibition would apply to planting in the very center of the corridor. Mr. Gray said it would. There is no land that is not encumbered with the transmission line in those corridors. Commissioner Heckman noted that before planting on the individual homeowner's lot it would require approval of the homeowners association.

There was no additional request to address the Commission.

The public portion of the hearing was closed again.

Chairman Maks polled the Commissioners regarding their feelings on the application.

Commissioner Heckman recognized the applicant's statement for the need. He recognized them as good neighbors. The only problem he had dealt with the homeowners in the Murray Hill area but felt the proposed reduction in the screening would address any concern. He supported the reduction in the parking spaces.

Commissioner Voytilla agreed that this is a needed facility and had no problems with the applicant and commented on the wonderful job of the application and its completeness. He supported the reduction of the parking and if expansion was needed in the future, that is possible. In response to the screening, the applicant has shown willingness to address this. He supported the application.

Commissioner Wolch stated he was fully in support of the applicant and felt they met all the requirements of a conditional use permit and ordinance and consistency with comprehensive plan. He felt there was minimal vertical intrusion because of the topography. He was comfortable with reducing the parking to the minimum, but not sure they can commit to a specific percentage. In response to landscaping on the existing lot, some concerns are alleviated knowing that approval will go through the Murray Hill Association. Support the proposal.

Commissioner Johansen supported the application and acknowledged the necessity for it. Commented on the fact that there weren't more neighbors present. He did review the notification process and satisfied that the public involvement requirement has been met. He supported the conditions regarding reduction of parking and minimum of 65 percent of parking to landscaping as well as landscaping on private properties on the western part of the site.

Chairman Maks agreed with other Commissioners in that it meets the criteria and there is definitely a public need and will be more in the future. He supported the reduction in the parking and the 65 percent requirement gives the applicant flexibility. In regards to the screening issue, he was not totally supportive.

Commissioner Johansen supported the neighborhood meeting process. He stated he would be concerned if that additional step had not been in this total process. It does provide value in meeting public notification.

Commissioner Johansen MOVED, Commissioner Heckman SECONDED approval of CUP 99-00009 PGE Substation based on the facts and findings as presented in the Staff Report presented to the Commission including the conditions of approval on pages 28 and 29 of the Staff Report and includes the following conditions:

The applicant shall provide a minimum of 32 parking spaces.

A minimum of 65 percent of any area previously identified on exhibit 6, A, South as paved parking or maneuver area shall be landscaped

PGE shall contact property owners of lots 286 through 290 and 294 through 302 of the Murray Hill Subdivision with regard to the purpose of providing additional landscaping for visual screening on said lots.

PGE shall provide an affidavit of mailing to the city demonstrating compliance with condition #3.

City Attorney Naemura clarified that a homeowner could opt to not participate in this by being silent and not pursuing the option.

The question was called and the motion CARRIED unanimously.

Meeting recessed for a break at 8:30 p.m.
The meeting reconvened at 8:35 p.m.

C. **TA 99-00008 SCHOOL BUS AND VEHICLE STORAGE WITHIN INDUSTRIAL ZONES**

The City has received a request from the Beaverton School District to amend Section 20.15. Of the Development Code by adding school bus storage to the list of permitted uses within the Industrial Park (IP) zoning district. In addition to the applicant's request, the City may amend the Code to allow a broader range of transit or maintenance vehicle storage within the Industrial zones. The City will consider appropriate amendments to the text of the Campus Industrial (CI) and Light Industrial (LI) zoning districts for consistency of language within the Code, in relation to transit vehicle storage.

Mr. Osterberg stated this was a request for a text amendment, which is focused on the industrial park zone, and the other portion is to amend the special regulation code. There are two sections proposed for amendment. The applicant is the Beaverton School District requested approval to allow school bus storage within the industrial park zone. Staff suggested expanding the zone to address the issue more comprehensively and staff recommending approval of the request as amended by the staff. Specifically, to expand an existing code section that allows for public services and utilities and to add some language to allow vehicle storage for those public services and utilities. The other main element of staff's recommendations was to address Metro Title 3 in a portion of the report. This will not bring it into full compliance but continue to move toward conformance with any implementing ordinance. These changes are proposed to the flood plain chapter to address outside storage of vehicles as it applies to commercial and industrial zones. Staff recommends approval as amended.

Chairman Maks asked for a definition of the term "incidental service and repair" on page 5 under permitted uses, under A.3. Mr. Osterberg stated it was to allow for very minor automotive services. The idea is to allow minor cleaning of vehicles and basic repairs that falls below the definition of minor. The applicant requested that language. Chairman Maks questioned where does it say it in the code and where does it say in the standard language when a possible conflict as determined by the planning director. Chairman Maks felt that if it is undefined he had a concern.

Commissioner Heckman requested that "such as" specifics included under incidental service. Mr. Osterberg said often in codes, examples have been provided but as soon as examples are provided if it falls outside of one of those examples then it is a discretionary decision by the planning director. Then that would have to be addressed with such as a planning director's interpretation.

Commissioner Heckman asked on page 6, last paragraph and make an exception second line of the last paragraph, transit storage except for Public transit vehicles. Why couldn't public transit vehicles be put in as an allowed use under A on page 5, A.3 and make it an allowed use.

Mr. Osterberg stated that the idea in the text amendment is to draw a distinction between public and private or transit or storage of such vehicles. Transit storage is already prohibited on page 6, but did not want to delete that or move it over the other section. This allows transit storage for public vehicles while private vehicles are not allowed. Commissioner Heckman was still concerned. Mr. Osterberg stated that if looked under prohibited uses on page 4, what would we make of prohibition of transit storage.

Commissioner Heckman asked on page 3, how many sites in the IP zone could be affected. He thought three totals could be affected by this text amendment. Mr. Osterberg stated there is only one location of industrial park zoning in Beaverton. Commissioner Heckman stated he thought he read about three sites. Mr. Osterberg clarified that there are multiple properties in one contiguous area zoned IP and that is the area generally south of Beaverton Hillsdale Highway, east of Western Avenue. Commissioner Heckman stated that any of the owners within that IP zone could lease space out in accordance with this to include public transit vehicle storage and incidental repairs, etc. Mr. Osterberg stated yes, for public transit vehicles and other public services such as City vehicles.

PUBLIC TESTIMONY

FRANK ANGELO, 620 SW Main Ste 201, Portland, OR 97205.

MIKE MALONEY, Beaverton School District, 16550 SE Merlo Road, Beaverton.

As Mr. Angelo noted that the Beaverton School District initiated this request. The school district is interested in finding alternative sites for future needs. By amending the industrial park district will provide the school district it with some additional options to store school buses. As indicated, staff had expanded their initial request and they were in support of those amendments. Regarding the definition of incidental repair, he asked Mr. Maloney to address this issue.

Mr. Maloney noted the current operation center for the school district has been on Allen Blvd. for many years in the IP zone and is a non-conforming use. They had envisioned getting that kind of use as a permitted use in that zone. Currently they have a need for about 25 acres of operation space for school buses. The scope of activity as permitted use is consistent with what is in the definitions in the existing code, which would prohibit heavy repairs and so forth. They Envision things like component replacement, brake repair, routine servicing, oil changing, etc. that would take place only in the shop. Operable buses only would be stored outside the shop

and the code definitions of heavy repair would not take place under the text amendment as proposed.

In response to Commissioner Johansen's question, Mr. Maloney noted that major work is contracted out.

Chairman Maks stated that a couple of the items identified fall within automotive services minor but staff said they put in incidental repair to not include minor services. Such activities as brakes fall under minor.

Mr. Osterberg stated that automotive services, both major and minor, are already prohibited in the IP zone. It could be allowed if that service is listed as an incidental. Chairman Maks stated that routine was a key issue in his definition. And, the fact that it is done within an enclosed building is another factor. Mr. Osterberg stated that if in doubt it should be added.

Mr. Naemura suggested possible language to read as "public services or utility uses, including vehicle storage and incidental service and repair such as routine servicing and parts replacement, done in an enclosed building, in connection with the vehicle storage use.

No public requested a hearing, no further staff comments and with that the public hearing section was closed.

Commissioner Wolch stated he was in support of the application especially since it is a nonconforming use.

Commissioner Voytilla stated he was in support of the application. He expressed a concern regarding the definition of incidental; he is comfortable with the language suggested by counsel.

Commissioner Johansen supported the application and thought it was in conformance with the comprehensive plan. He commented on the section 3 and read utility uses to be all encompassing including private utilities so would like to add the word "public" in front of utilities uses for clarification.

Commissioner Heckman stated it was necessary for the school district and is supportive of approval.

Chairman Maks said he was supportive of the proposal and stated he felt one of the most pressing needs was the infrastructure needs keeping the school district going, which includes school bus services. Noted it does meet Commission criteria for a conditional use permit.

Commissioner Johansen MOVED and Commissioner Heckman SECONDED a motion to approve TA 99-00008 School Bus and Vehicle Storage within Industrial Zones, based on the facts and findings presented in the Staff Report dated September 15, 1999 with the following amendment:

To the proposed addition of IP zone text found in Section 20.15.10.2 section A.3. That proposed language in Staff Report to be revised as follows:

Public services or public utility uses including vehicle storage and incidental service and repair such as routine servicing and parts replacement done in an enclosed building in connection with the vehicle storage use.

The question is called and the motion CARRIED unanimously.

D. **CPA 99-00013 and TA 99-00004 GOAL 5 WILDLIFE HABITAT AND TREE PRESERVATION AMENDMENTS**

The proposed amendments implement Periodic Review Order #00717 (formerly WO#00628), Work Task # 3 – Statewide Planning Goal 5 Wildlife Habitat. This Work Task amends City Comprehensive Plan policies and Development Code regulations implementing Oregon Administrative Rule Section 660-23-110 for protection of Significant Tree, Tree Groves and Historical Trees as identified on the Significant Natural Resource Map. Further, these amendments; (1) establish guidelines for protection of trees identified on the referenced map, and (2) provide protection for trees identified on the Washington County Community Plan and Map as a protected resource following annexation to the City.

Veronica Smith, Associate Planner Policy Division, addressed the CPA proposal. This is part of the update for Work Order #00717, Goals 5 Wild Life Habitat and Tree Preservation. With Staff Report have broken the categories into four segments. The Staff Report is currently under review and will require additional modifications to insure compliance. Ms. Smith thanked the Goal 5 Advisory Committee that had worked on this issue. Ms. Smith submitted into the record additional letters, one dated 9/15/99 submitted by Friends of Rock Bronson and Willow Creek, signed by Laura Hill, the Audubon Society of Oregon, dated 9/15/99, from Ron Carley who asked for additional time to review the information and submit comments, and a letter for Oregonians in Action dated 9/15/99 signed by Sally Lefeber. Staff requested time to respond appropriately and give the Commission an update on that. Staff is requesting a continuance of the public hearing after taking public testimony at this meeting to a date certain of October 13, 1999.

Mr. Sparks stated that Ms. Smith had covered most of the points and reiterated that staff was requesting, in so far as the development code text is concerned, that the Commission take public testimony at this meeting and continue it to October 13.

Commissioner Heckman asked on page 25 of Mr. Smith's report, second paragraph starting with Significant Natural Resource, he stated he would have liked to have seen the last line "developmental standards, where necessary, to attain resource protection." Also, on page 29, the third under item M, what is a public viewing corridor? Mr. Sparks stated view corridors have not been defined clearly but typically they are going to be views from public areas towards certain features and elements found throughout the environment. It is largely a subjective matter and would require the City to go out, identify public views, hold a Public hearing such as this to identify what view corridors are and it would be a policy document to include in the comprehensive plan. As such, nothing in that regard has taken place and is something discussed on a staff level.

On page 33, the third full paragraph, the third line -- as the City expands and connects, continues to annex land from Washington County, etc., typically when these annexed lands come in from Washington County do they conform as much as the City of Beaverton to identify lands that should be preserved lands, trees, habitat, etc, or are they more or less rigid? Ms. Smith stated it depends on the perspective. Washington County does not have a tree ordinance, but within their natural resource inventory and on their community plan maps there is additional language that talks about tree groves but they have not done the inventory analysis that the City has done. In the process of updating the annexation policy, what staff is suggesting is that we do basically a crosswalk like what was done with zoning so that we can better identify them. Mr. Sparks said the cross walk would be within the urban planning area agreement (UPAA) of identifying as part of the community plans that Washington County has. This is one of the things that we would like to come back to the Commission with on October 13 with part of that annexation language.

Chairman Maks asked for clarification at the continuance regarding: on page 5, under definitions where talking about Section 90, under community tree, healthy tree of at least 10 inches in diameter, should that be DBH? On page 10, under mitigation standards, he questioned who decides? On page 6 of 26, type 2 actions, under decision process, it is a type 2 removal of between 10 and 50 percent of the total number of condition trees not to exceed 10 total trees. If there is an application at CUP or PUD and the public is here and we condition trees through a public hearing process he had a real problem if 50 percent of that can be cut down with a type 2. On the comprehensive plan, on page 24, first paragraph in the middle "the city is fortunate still to have numerous areas within the City that support a great diversity of natural resources" he suggested striking "numerous". On page 26, third paragraph, second sentence, rapid growth, the spread of development, he suggested removing "the spread of". On page 29, same thing with public viewing corridor, same as Commissioner Heckman. On page 32, under z, second to the last sentence, it says "others methods can include private public" should strike the "s" on other.

Commissioner Johansen asked on page 4 on 26 of the text amendment, question of side damage. He asked for verification that his assumption is correct that trees that are causing side walk damage that need to be removed would fall under the decision criteria either in 4.a. or 4.e? Mr. Sparks stated that removal of tress posing a hazard to pedestrians would cover that, as it is a trip hazard. There are ways to remedy besides removing trees and that is always an option. There need to be options available and removal is not the only option.

Commissioner Heckman stated his pleasure in seeing proposed text for tree preservation. Question on page 19, states fence will be 6-foot high steel and concrete blocks, he did not understand the workings of that. Mr. Sparks explained that instead of digging up the soil within the root zone, fencing could be placed up on concrete blocks or place a fence with some sort of metal base with the cinder blocks on top of it holding it down. But if you are going to do a chain link fence it is easier to put it up on blocks. Mr. Sparks noted an example might be viewed at the library building. He complimented the staff on their work.

Chairman Maks thanked the staff for the great job overall. When the issue is brought back he suggested staff and city attorney would have responses with regard to Oregonian in Action and

some of the issues they raise. Mr. Sparks said they would have their consultant to answer any questions the Commission has.

PUBLIC HEARING

MALCOLM MCIVER, 1000 SW Vista Avenue, #114, Portland, OR 97205 is speaking as a concerned citizen. He met with the committee several times and has some concern regarding the impact on land owners and revolve around the concept of trees being a community benefit, but the costs and burdens of preserving these trees are placed solely on the land owner and not shared by the general community. Chairman Maks suggested that since action would not be taken on this at this meeting, he could put his comments in writing. Mr. McIver stated he would be pleased to do that. Ms. Smith suggested that if it is submitted, it should be sent to staff a week in advance of the meeting.

ROSS TEWKSBURY, PO Box 25594, Portland, OR 97298 stated he was on the advisory committee and a member of the Friends of Beaverton Creek. One issue deals with page 10 of 26 regarding decision criteria and mentioned one that needs to be considered, states that regardless of the size of an area, there are many neighborhoods that have very few natural areas and whatever is there, is whatever it is. It may be important to that local area. He stressed the importance to the local neighborhood and habitat or aesthetics should be one of the criteria that are included. It is also listed on page 12 of 26.

On Page 18 of 26, Mr. Tewksbury stated that under the removal and preservation standards, item C that addresses significant groves, this is only talking about the largest and best remaining areas. He recommended that this 25 percent is too low and should be at least 50 to 60 percent of those. Also, many of these groves are already developed which means that you can do development and still have a significant grove. Under #4, the black cottonwood should be added there as a native species.

On page 20 of 26, the mitigation standards, the mitigation should be viewed as a last resort after all the other possibilities have been exhausted and every method should be made to preserve the older trees that exist, just replacing an old tree with five baby trees is not the same. Under #2 it talks about native species and lists street tree planting list, it does not list any native species as a street tree.

On section 00013, VIII.5. regarding a parkway along Beaverton Creek, number H., about small parks is important and H. and I. and they relate to his previous comments about neighborhood areas. Then #1 about parkway along Beaverton Creek, he stated that was a good idea and at the rate of the development it will soon become a wall to wall deal and one area that needs to be considered is the headwaters of Beaverton Creek which is just to the west of the Raleigh Hills Fred Meyer store between Laurel Wood and 78th and just to the south of Beaverton Hillsdale as this is one of the few areas that isn't developed and is also a wetlands and the headwaters of the creek.

He had a question that was partly addressed by the planners, he did not understand with the new emphasis on the joint planning between Beaverton and Washington County, how could this type of thing be applied to some of these areas in the new planning combination deal between the two. He hoped that could somehow be worked out even before it became annexed.

Mr. Naemura asked Mr. Tewksbury regarding the Staff Report on page 30, please turn to that page of the CPA request. Toward the bottom, the City writes native species should be preserved to the highest extent possible and then goes on to discuss feasibility. He asked if that is a pretty authoritative and workable approach to native trees? Mr. Tewksbury did note that the black cottonwood was included. He said he would prefer it to be somewhat stronger, but would like to think it would be something they would definitely want to preserve to the most reasonable extent, or some other type of wording that would be stronger.

NATHALIE L. DARCY, 9355 SW Brooks Bend Lane, Garden Home, OR 97223, stated she was vice chair of CPO III, West Slope Raleigh Hills Garden Home the CPO rep to the advisory committee. However, her comments this evening were her own. Generally she noted that tree preservation is a regulatory taking. When government regulations restrict a use or inconvenience a property owner or decrease the value of the property, then compensation by the government is required. She stated she had a problem with that because "we" meaning the government and citizens, regulate development properties in a variety of ways. She stated she felt there was enough built into the tree preservation ordinance to make it abundantly clear that this is an absolutely legitimate public interest. Variances have been built in to address hardships.

There are two specific statements regarding CPA page 30, item Q, which talks about mitigation for a tree loss with three options. There is nothing in there or in the text amendment that suggests if one of those is better, worse or the same as another. Secondly she felt it would be helpful for the decision-makers when you talk about off site replacement, assumption is that it is somewhere in the City of Beaverton, should it be identified as the same block, the same neighborhood, the same community? On page 32, item X, this talks about open space corridors and mentions three creeks. When you do your local wetland inventory and riparian corridor, need to revisit this issue, as there are some other creeks that she thought logically should be added.

She supported a continuance on the text amendment.

Chairman Maks stated the purpose of the PC dealt with all Beaverton issues, and had nothing to do with any land in the County.

Larry George was not present but had submitted the Oregonians in Action communication.

SANDRA CAMLEY, PO Box 1953, Beaverton, OR 97075 first addressed the comprehensive plan. She noted that in four different places it mentioned specifically acquiring three different significant tree groves which were recently identified by the tree inventory, Annex 1, Annex 3 and Annex 8 and being proposed for acquisition. The actual goal of the committee and consultants was to fully protect these three sites, give them 100 percent protection as opposed to acquiring them. In some cases acquiring them is not appropriate. In the case of Annex 8, that is a developed neighborhood and not appropriate for the City to acquire. Those four references should be changed to indicate that these sites are proposed for full protection, or 100 percent protection, etc., and then it should say that one of the possible methods is acquisition or conservation easements or purchase of development rights as opposed to saying the goal is to acquire the sites. The four references are on Pages 8, 16, 17, and 30.

Regarding the development code, Ms. Camley said she would start with the actual code part and skip the Staff Report, so the page numbers refer to the actual code. Starting on page 1 of 26, at the bottom on number 5, regarding no permit will be required for removal, but on the next page under 1.B. it says a permit is required for removal of a significant tree or grove, etc.

Chairman Maks stated that this is a document that is being changed.

Ms. Camley said there are a couple of other references, page 4 and the table at the end which talks about whether a permit is or is not required and they are not consistent.

Page 2 and 3 regarding type 3 actions and public hearings for removal of trees. This talks specifically about protected trees, it doesn't mention about community trees that are privately owned. According to page 1, 4., it says they need to go through this type 3 action with a hearing for five or more trees and she thought this should also be listed in the page 2 and 3 listings of type 3 actions. Chairman Maks asked for clarification and Ms. Camley noted that the table in the back supported her statement for removal of five or more. Chairman Maks said it needs to be in more than one place as page 8 of 26 is really the governing section. She supported that he be put in both pages 3 and 8. Also if community or private trees need to go through this process, public trees should also have to go through this process. She suggested public trees be added to those section on pages 3 and 8.

On page 5 of 26, under F, Ms. Camley stated he is talking about the section dealing with section stating that where no reasonable alternative exists to the removal of the trees without significantly increasing public costs or inconvenience. She stated there was discussion regarding the definition of significant increase. Chairman Maks stated the actual guideline is 5 percent. She suggested that it be increased to 10 percent. Pages 7 and 9 have the same paragraph.

On page 18 of 26 there is a listing of native species, there should be nonnative species included for the ease of developers who are trying to figure out which species they really need to retain and including the specific nonnative species that they felt were valuable would be helpful. She asked that sequoia be included, as there are sequoia in some of the significant groves identified.

They are from not that far south and fit in well in the local environment and in fact Beaverton's favorite tree several times has been the sequoia.

On page 21 of 25, Ms. Camley said that number 1 states a replacement tree shall be substantially similar species considering site characteristics. Further down in #4, it says the tree or trees may be of a solar-friendly variety which was defined as deciduous trees, which is fine if you are replacing a deciduous, but if you are replacing conifers this is not a similar species. She suggested this should be stricken in #4.

Commissioner Wolch MOVED and Mr. Johansen SECONDED a motion to suspend the 10:00 rule regarding taking no further agenda item.

The question was called and the motion CARRIED unanimously.

Ms. Camley continued and stated that on page 21, it talks about the number of replacement trees required shall be determined by dividing the estimated size at DBH of the tree removed. Actually this should be divided by the actual size at DBH of the tree removed. Even if you can't directly measure the diameter, there is a very simple way to get it by measuring the circumference and dividing by pi.

On Page 23 of 26, the last item before effective date, #3, the City may adjust design specs to accommodate tree retention where possible where it would not interfere with safety or increased maintenance costs. She suggested that be changed to say the City "shall" adjust design specs, etc.

On Page 25 of 26 in the second to last definition, tree canopy at maturity, the reference books needs to be filled in.

The table at the very end, Ms. Camley noted should include public trees with what she said at the very beginning about removal of more than four public trees should be treated the same as community trees.

In the Staff Report of the document, Ms. Camley stated that on page 12 of the first section, in the first paragraph it talks about estimated size of DBH which should be the actual size at DBH. Chairman Maks said that it was not necessary to rehash the same issues that were brought up in the text amendment as the Staff Report explains what is in the text amendment as it would be duplicative.

Commissioner Voytilla commented that in regards to Ms. Camley's suggestion that the sequoia be added but did not hear anything relative to their value in habitat. Ms. Camley stated that they tend to be very large trees and expect them to provide a lot of cover for wildlife. He asked if they attract any particular native wildlife, insects. Ms. Camley said she did not know that particular level of detail.

Chairman Maks suggested that they look at the redraft. He noted that there is a four-minute time limit and suggested that they pick their hot issues or put it in writing. If in writing, all issues are covered and then can testify on your big and important issues.

STEVE HAMLIN, 9505 SW 160th Avenue, Beaverton 97007, asked if he testified at this meeting is he precluding himself from testifying at a future effort. Chairman Maks stated he would not. Mr. Hamlin gave kudos to the staff for the work that they did and their efforts and involvement with the citizens. He wished to echo some of Ms. Darcy's concerns. He stated the notion that takings exists in this document as written is false. It is a straw man being thrown out by people with vested interests. There are clauses which strongly mitigate against takings, example on page 30 of the Planning Commission recommended text the City supports public efforts to fund acquisition of sites. This is not taking things when you are paying for them. On pages 12 and 13 of the text amendment there is a whole set of preservation incentive standards, many of which give a waiver to the development codes as it stands in order to allow for the increased protection that we would like to see. This was an experienced and diverse group on the committee. He called the Commission's attention to one other document, which is

Appendix, A which is a comparison city by city of what type of protection is available through natural resources throughout the metro area.

Regarding the takings issue, Mr. Hamlin stated it was his understanding that takings consist solely and only when all financial profitability is taken from a land. It has nothing to do with zoning and preservation, only when all land is removed eminent domain would be called for. This is not talking about taking all profitable use of the land. This has not been contemplated; it is not in this document, what is being proposed is protecting 25 percent of the trees that are in significant natural resource areas already. He has reviewed comments from Mr. McIver and the Oregonians in Action and he felt they represent a lack of understanding of the background documentation and research that went into the development of documents before the Commission. He noted that most of the land that is being protected is essentially undevelopable to begin with, on steep slopes, wetlands, streams, etc. He noted there are a couple of words such as "reasonable", "extraordinary" and "reasonably significant" that make him uncomfortable and are less than concrete. He also noted the notion of reasonably significant increase of public costs, noted that five percent is the existing guideline, is five percent a significant discount to get action? He noted one point of contention on page 20 of 26 regarding point A where the mitigation of planting of trees can include trees in order to get approval of the plan; this sounds like double counting. If you have to plant street trees in order to get approval of your building going in, that should not count also for the mitigation of removal of trees in a significant natural resource area.

Chairman Maks requested the staff address the takings issue and the Oregonians in Action issue. He also stated that it does not have to take the whole land, you don't have to lose all value, you can lose just over a sidewalk. The takings issue is a huge issue, although he stated he did understand the safeguards that have been built in within this document.

Chairman Maks asked for a timeline. Mr. Osterberg stated they suggested October 13. Chairman Maks credited the committee members for their work and noted this was a great document. If possible, he requested the revised document be distributed more than seven days in advance.

Mr. Sparks reviewed the schedule for the Commission during this time period. Currently there are two text amendments scheduled for October 13. The following weeks are either occupied with planning items, special planning commission, Fantasy Video matter, which means November 10 would be the first opportunity for an agenda that would allow for a more open agenda. Mr. Sparks stated that he could not promise that the revised text amendment could be delivered earlier than seven days prior to the October 13 meeting. Commissioner Heckman stressed the importance of providing sufficient time for review. Mr. Sparks noted that action will need to be taken the next time the Commission considers the utility undergrounding text amendment as it was a ballot measure 56 notice, which states it can only be continued twice before renoticing. Chairman Maks stated he did not wish to require a continuance that requires a financial impact of a mailing to the citizens. Mr. Sparks suggested extending the issue to November 10. Chairman Maks agreed to continue November 10, have Staff Report available two weeks prior to that meeting and for people who request a copy of the Staff Report inform them that they can get written comments to staff and those will be enclosed. Mr. Sparks stated that it needs to be understood by the Commission and the public if Staff Reports are available

before the Planning Commission level, comments are submitted in response to those Staff Reports and those comments will not be included in the Staff Report but they will be forwarded to the Planning Commission. Mr. Sparks stated the reports would be available on October 27, 1999.

Commissioner Johansen MOVED and Commissioner Heckman SECONDED a motion to continue item CPA99-00013 to a date certain of November 10, 1999 at the same time and location.

The question was called and the motion CARRIED unanimously.

Commissioner Johansen MOVED and Commissioner Heckman SECONDED a motion to continue item TA99-00004 to a date certain of November 10, 1999 at the same time and location.

The question was called and the motion CARRIED unanimously.

Commissioner Heckman MOVED and Commissioner Johansen SECONDED a motion to reinstate the motion made by Commissioner Wolch and extend it to 11:00 p.m.

The question was called and the motion CARRIED unanimously.

E. **CPA99-00017 and CPA99-00018 - LOCAL TREE INVENTORY UPDATE**

The proposed amendments implement Periodic Review Order #00717 (formerly WO#00628), Work Task #3 – Goal 5 Inventory. This work task is intended to bring the City of Beaverton Comprehensive Plan Map up to date with respect to Natural Resources. The amendment (CPA99-00017) would update the current Tree Inventory Map to include significant groves and trees that have been altered since the last inventory. The proposal includes adding five new significant trees to the inventory, which are located on the following map and tax lots: 1N120BA03900, 1S133BD90000, and 1S128DA06100, and in the right-of-way adjacent to SW Davies Road between SW Harness and SW Stallion Court. Recommendations regarding the significance of the proposed trees will be discussed in detail in the staff report.

The text update (CPA99-00018) includes one new page per significant grove or tree, which details the grove/tree health, a general comment about the grove/tree and a photo. Staff proposes adopting the map (CPA99-00017) as an update, adding appropriate new significant trees (CPA99-00017 and CPA99-00018) and updated pages (CPA99-00018). Please note the new computer-generated map would replace the current map in its entirety, however, the new photos and health reports will supplement existing data.

Ms. Fryer stated the proposal is a Comprehensive Plan Amendment to update the City's existing Comprehensive Plan Tree Inventory Map by digitizing it. In that process, the consultants took the existing map, added a parcel base in digital format, identified through aerial photo areas where the groves have been removed, reviewed the map using a windshield survey and identified categories on the map. In addition, staff looked in detail at the original map and

any changes that had been made such as elimination of groves through a public hearing process or elimination of individual trees through a public hearing process. If a grove was not removed in its entirety the remainder of the grove was based on the aerial photo. The review is not based specifically on a tree preservation plan that may have been submitted at the time of development as often times some of those tree preservation plans were not implemented exactly as approved.

In order to minimize the amount of time spent on this particular portion of the survey and assessment consultants were asked to use the outlined methodology. Additionally some of the individual trees were not located on the correct parcel and these were corrected. Another task that the consultants completed included taking a photograph at the same location as the original photograph in the original inventory; not necessarily the healthiest part of the grove. Ms. Fryer stated that the amendment is to adopt the mapping product as a GIS layer to replace the previous hand-drawn map, and to add the color photos. These would not replace the existing photos in the inventory; they would supplement the data presented to the Commission. The third proposal of this amendment includes adding the proposed trees shown on the exhibits at the end of the Staff Report: proposed trees #3 and 4 as inventory tree #69, proposed trees listed as tree #5 as inventory tree #70 and the proposed trees listed at #6 as inventory tree #71.

Again, staff does not recommend adopting tree #1 due to the assessment of its relative health and the concern that it may come forward at a future date for removal.

Commissioner Heckman asked that in reviewing any section map, on the legend those identified as light gray are those be trees inventoried in 1988? Ms. Fryer stated that Commissioner Heckman's understanding was correct. The light gray area includes trees that were inventoried in 1988 and were still remaining. On Section Map 33, Commissioner Heckman asked if the area in the upper left area, he asked where the light gray ends? Ms. Fryer stated that on her copy of 1S1 33, she did not see any gray. She stated tree #57 is the only tree on that sheet. Chairman Maks asked why that area on map 33 was not part of the original tree inventory and they only inventoried the trees that were annexed since 1988. The original tree inventory did not identify that area as a significant grove of trees, Ms. Fryer said and she did not know the reason. If Commissioners wanted additional trees assessed, she suggested making a recommendation as a secondary motion to request staff analyze that section to assess the significance of the tree groves in that area for future adoption. Ms. Fryer stated that no new assessment of lands previously included on the significant tree map was completed in this update. The individual tree additions at the end of the staff report came from the public in the public hearing process.

Commissioner Heckman had a question regarding map 32 starting off with 71 C. That indicates that almost all the trees in 71 C are gone; Ms. Fryer stated that was correct. In 71 C when presented to the Planning Commission there was a condition that no trees would be removed within a 30-foot buffer surrounding that land. Commissioner Heckman stated to his knowledge nothing has been removed, except by a storm. This map shows most of those trees are no longer there and some of the trees that are shown as existing that are gone. On 71A, talked about misplaced things, the one that backs up to Weir is off two tax lots. There is another piece that is also uphill that does not come down to the street (71A). There is another large section that the trees were never removed abutting that which is to the back of the lot up and down Weir that was never touched. He stated that if you go down one inch from Weir and 3/4 inch from left boundary, there is a whole string of trees in that natural resource area that were never cut and they show as being removed. He stated he reviews this area at least once a month. If

you continue to the 71A that are down 1 1/2 inch from the top and 1 inch from the left side, there is also a bunch of trees in a natural resource area behind the school, very steep and two tax lots combined. The photo was taken from 160 shooting up with a few bad trees. On the bottom under 71F shows those trees weren't bothered, those trees do not exist. Neighborhood T, which is the circular thing, was a pear orchid that was removed in 1989 and perhaps only a quarter of that that was treed. Commissioner Heckman stated that in his opinion this is flawed.

On 71F shows trees were removed, those are the estate sized lots and the majority of those trees have never been touched at the top of the hill. On 71H there is a string of trees that have never been removed, that is in a tract owned by the association and those are great trees overall. If you look at the pictures, on 71A where their class is fair, his comments were that this is a poor representation of the entire grove and in the picture it shows those trees were ruined by construction practices, but the rest of that grove is in wonderful shape. On 71B his comment was that these trees are in a significant natural resource area and in his opinion should be ranked fair to good. On 71C, the December storm eliminated most of the weak ones and there is a 30-foot buffer surrounding the area. In 71D he commented that most of the grayed out area is in a significant natural resource area and the Douglas fir trees appear to be good. 71E he agreed with absolutely. In 71F it is stated as poor, but the majority of trees in the significant natural resource area are deciduous trees and are in big leaf maple. On 71G the picture shows a Douglas fir to be in good health, no tops and full growth all sides indicates old growth not very dense. In 71H he agreed except for a tree in the tract along Teal marked in red and on 71I he disagreed as the trees in the natural resource area as tract B which is owned by the homeowners association and nothing has been taken out. Commissioner Heckman stated that if the rest of the document is like these he felt the document was seriously flawed.

Commissioner Voytilla asked regarding the 11 x 17 maps, is staff asking for approval of the format and is there any way to be able to provide additional street names and increase the type size of the streets and other facilities.

Ms. Fryer stated they were asking for approval of the GIS layer, once identified that these are indeed the correct boundaries of these grove areas, if you agree they are the correct boundaries these areas can be included in the GIS mapping, with the complete street index so any future reproductions could be done at the scale such as other maps. The consultant was limited in the street name layer that he was given.

Chairman Maks questioned if this was being done for Goal 5? Ms. Fryer stated yes, with the intent to update the existing inventory. Based on the questions raised by Commissioner Heckman and himself, Chairman Maks questioned if this meets Goal 5? Ms. Fryer stated they were responding to changed conditions that they have in the current mapping capabilities. The original mapping was done by hand and technology has been updated. The maps have never been updated in terms of groves that have been removed for whatever reason or approval of development. This has caused some difficulty for development services when processing development approvals.

Chairman Maks stated that it seems that they are updating what has been removed and verifying what is left. Ms. Fryer stated that was correct. However, Chairman Maks stated that they are not updating what might be considered significant now. Ms. Fryer agreed but stated that

updating new significant areas was done as a result of the annexation. Decisions were made at the time of the initial study that it is not necessary to update or add additional parcels as a requirement of the Goal 5 analysis. Ms. Fryer stated that the evaluation report that went forward to the Department of Land Conversation Development which set the work program for periodic review, said they would do the local wetland inventory, which had not been done previously and is a requirement of Goal 5; they would look at historic resources to review them in light of the changed legislation which requires notice to people in advance; would look at tree inventory for areas that had been annexed since 1988. The DLCD approved work program identifies the City will update inventory text and mapping related to natural resources. Chairman Maki stated that nowhere in the document to DLCD was it said that we were going to update identification of our tree natural resources grove and he did not see this as an update.

Commissioner Heckman said the subject said update of 1984 inventory, but the legend said 1988. Ms. Fryer stated that the original inventory begins in 1984 and data collection began in 1984, the actual adoption occurred in 1988.

Commissioner Heckman suggested that it would have been nice if the residents of the different areas could have been involved in doing an inventory with the consultants. Wasn't the original inventory done by volunteers? Ms. Fryer thought the original inventory was done through a cooperative effort with the urban naturalist for the Audubon society, Mike Houch, Irish Bunnell and all part of the original significant natural resource inventory. Commissioner Heckman suggested involving local residents would have made the data more accurate.

Ms. Fryer noted there was a letter submitted by the Audubon Society of Portland that references this particular comprehensive plan amendment and in speaking with Mr. Carley from the Audubon Society, they were not in fact asking for a continuance on this amendment. He indicated they were more concerned with the tree regulations and with the local wetland inventory.

ROSS TEWKSBURY, PO Box 25594, Portland, OR 97298 stated he agreed with the Chairman and Commissioner Heckman's comments. The inventory of the recently annexed areas was deficient and inadequate because the significant groves that were looked at were only two to three acres or larger. So a one-acre grove that was wonderful and wouldn't be included. Also, it did not include significant individual trees as the previous one did. This creates a bad precedent for future annexations and leaves that area deficient. He supported citizen involvement in the process. There was also a gray area for groves that were partly in Beaverton. He strongly felt this should be continued with the other one to allow further review.

Commissioner Heckman MOVED and Commissioner Johansen SECONDED a motion to suspend the rules until 11:15 p.m.

The question was called and the motion CARRIED unanimously.

The public hearing portion of the meeting was closed.

Commissioner Johansen asked what are the options and what about other future action if adopted? Also expressed concern regarding the accuracy of the mapping. Would it make sense to adopt with intention of coming back in a future action?

Ms. Fryer cautioned the Commission about potentially asking Council for additional money, although within your authority, additional funding would be unlikely. In terms of the accuracy of certain mapping areas, staff could potentially go back and look at individual areas and bring that back to you at a later time if you choose, specifically looking at the areas identified by Commissioner Heckman. Another area might be to direct to staff to provide copies to the neighborhood associations for their review, limited to the existing groves of trees. She cautioned allowing the associations to propose new groves of trees in light of the fact that it would require considerable background detail in terms of assessing those groves in order to make the legal test of what is a significant grove much like the assessments completed in the annexed areas. The legal hurdles are much different than the original adoption of the significant tree inventory. The tree inventory today requires an urban forestry or a habitat approach to adopting the tree inventory itself instead of the aesthetic approach that was taken in the past. The detailed documentation required for adopting new groves of trees is different, thus the reason for limiting the proposed action this evening only to amending the boundaries of existing trees. Ms. Fryer stated that in light of Commissioner Heckman's comments that perhaps staff's recommendation might to be bring this back in three weeks to address his concerns about the groves in that area. She suggested that adding additional groves should be part of a separate action as a request for consideration by Council.

Comments with regard to application.

Commissioner Voytilla stated that if just looking at format, he did not have a problem with the maps, however if the action accepting the data represented the data in light of Commissioner Heckman's comments and his review of other areas he is familiar with gives him concern. Also concerned with the Chairman's question relative to inventory and update. It seems inconsistent to have this level of information and yet trees or groves that are significant aren't inventoried. Understand staff's comment that this may need to be done as a recommendation, but concerned about where this really is. As he understood Goal 5, the thought was the resources are suppose to be identified and clearly that information is suppose to be available to people to know where those resources are in the community. He stated that if considered to address the method it would not be a problem, but he could not approve using these maps for the data that is suppose to be correct. If that means going back to the consultant's assistance with the neighborhood that is good, but if information is flawed, needs communication with the consultant.

Commissioner Wolch echoed most of the comments by other Commissioners. Possibly looking at it realistically, it is nice talking about getting the consultant back, but imagine there are budgetary restrictions, but areas where there are known areas of discomfort, it is reasonable to go back and look at those to see if they couldn't come back with those addressed before going any further.

Chairman Maks stated that this is part of the periodic review and it is necessary but do not like the way it is being done as this periodic review will not be gone through again for another five to seven years, so are we not going to identify what might be significant for another five or seven

years. On the text amendments he stated he was right in the middle but feel we have to identify what we have and understand that there is limited resources based on input from the citizens. Bottom line he stated was that if this is to meet the requirements of a periodic review for Goal 5, even though staff is right in that it is not required by the LCD, the question is still should we? He felt that the Commission should and he did not feel this was an update to the local tree inventory plan because of questions regarding the data.

Commissioner Heckman stated he did not fault the staff, but on page 2 asked to adopt and could only speak knowledgeably about one area. Commissioner Voytilla had questions regarding one or two other areas; he stated this raises a need to question all of them. Agreed there needs to be more discussion by staff regarding this and would like to see this continued to allow staff to review.

Chairman Maks noted the staff did inform the Commission that they were going to do the one acre, two acre, etc., due to the resources.

Commissioner Voytilla MOVED and Commissioner Heckman SECONDED a motion to suspend the rules for another five minutes.

The question was called and the motion CARRIED unanimously.

Ms. Fryer suggested that they would bring forward the local wetland inventory on November 17 that might be an opportune time to have the consultant for this matter as well. The tree inventory could be built in at that same time.

Commissioner Heckman MOVED and Commissioner Johansen SECONDED a motion to continue CPA 99-00017 to a date certain of November 17, 1999.

The question was called and the motion CARRIED unanimously.

Commissioner Heckman MOVED and Commissioner Johansen SECONDED a motion to continue CPA 99-00018 to a date certain of November 17, 1999.

The question was called and the motion CARRIED unanimously.

Chairman Maks stated that this was a Measure 56 notice also, so the Commission needs clarification on how many times this can be continued.

Commissioner Heckman noted that he felt that staff was handed something that was not right and he recognized that is handed to them. Chairman Maks so noted and noted the same on his comments.

ADJOURNED at 11:25 p.m.